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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DELTA MARINE CO. LTD.

ECF CASE

Plaintiff,

JUDGE LYNCH

-against-

07 Civ 4824 (GEL)

HANGZHOU JINZHAO INDUSTRY CO.  
LTD., RICHFULL GROUP (HK) LIMITED,

**MOTION TO DISMISS  
ON GROUNDS OF  
FORUM NON  
CONVENIENS AND ON  
GROUNDS OF  
IMPROPER VENUE:  
MOTION TO RECALL  
VACATE AND QUASH  
WRIT OF ATTACHMENT**

Defendants.

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Now comes the Defendant HANGZHOU JINZHAO INDUSTRY CO., by its attorney Robert S. Portegello, and moves the court pursuant to rule 12 (b) of the Federal Rules of Civil Procedure to dismiss this action under the doctrine of forum non conveniens and for improper venue, as well as to recall, vacate and quash the writ of attachment that this court has issued in this matter.

As a reason therefore the Defendant says

1. The Plaintiff is a Korean Corporation.

2. This moving Defendant is a Chinese Corporation, and the second Defendant is a Chinese Corporation.

3. This matter concerns an alleged breach of Discharge Agreement concerning a shipment of steel products sent to Indonesia aboard a non U.S. registered vessel.

4. The Defendant HANGZHOU, challenges certain portions of the alleged contract. Defendant HANGZHOU acknowledges a limited discharge agreement with the Plaintiff.

5. All parties agree that the discharge agreement provides that the agreement “shall be governed by and construed in accordance with English Law and shall be subject to the exclusive jurisdiction of the High Court of Justice in London.”

6. All witnesses having knowledge of the facts relating to this accident reside in China, Korea and Indonesia. No witnesses with any knowledge of this matter reside or are found in New York in particular and in the United States in general.

7. This contract dispute has no relationship to the United States of America and was commenced in this District only because of forum shopping by Plaintiff in disregard of Plaintiff’s own agreement that English Law is to control and exclusive jurisdiction is to be with the High Court of Justice in London.

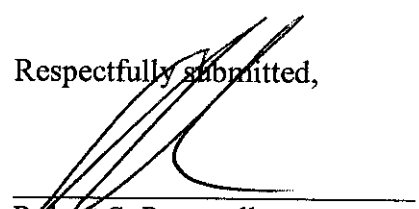
8. The interests of justice require action to be dismissed and that the writ of execution be recalled, vacated and quashed.

9. In support of this motion Defendant files herewith the affidavit of its attorney, points and authorities, and request for judicial notice.

Dated: September 25, 2007

City, State: Staten Island, New York

Respectfully submitted,



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